

To either of the Constables of the Town of Dedham in said County: You are hereby required in the name of the Commonwealth aforesaid to notify and warn the inhabitants of said Town of Dedham qualified to vote in town affairs to meet at the Dedham High School Auditorium for the 2010 Special Town Meeting in said town on the third Monday in November (it being the fifteenth day of said month) AD 2010, at seven o'clock in the evening, then and there to act on the following articles, namely:

ARTICLE ONE: *By the Board of Selectmen.* To see if the Town will vote to adopt changes in Schedule A (Classification Schedule), or Schedule B (Compensation Schedule), or Schedule C (Fringe Benefits) of the Personnel Wage and Salary Administration Plan; to act upon the recommendations of the Town Administrator as to actions he deems advisable and necessary in order to maintain a fair and equitable pay level and compensation policy; to implement collective bargaining agreements for the following:

1. AFSCME, Local #362 (Library Staff Unit)
2. Dedham Police Patrolmen's Association
3. Dedham Police Association (Lieutenants & Sergeants)
4. Dedham Firefighter's Association
5. AFSCME, Local #362 (DPW)
6. AFSCME, Local #362 (Town Hall)
7. AFSCME, Local #362 (Parks)
8. AFSCME, Local #362 (Civilian Dispatchers)

or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE TWO: *By the Finance Committee.* To see what sum of money the Town will vote to raise and appropriate, or transfer from available funds to meet additional expenses of the current fiscal year not adequately funded under Articles Three and Four of the 2010 Annual Town Meeting (FY'11) or any subsequent article thereof, or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE THREE: *By the Town Administrator at the request of Director of Finance.* To see what sum of money the Town will vote to raise, appropriate, or transfer from available funds for payment of outstanding bills of prior years, or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE FOUR: *By the Town Administrator at the request of the Director of Finance.* To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums of money to one or more special purpose stabilization funds, or take any other action relative thereto.
Referred to Finance Committee for study and report.

ARTICLE FIVE: *By the Town Administrator at the request of the Director of the Council on Aging.* To see whether the town will vote to adjust the so-called senior work-off exemption provided in section 5K of Chapter 59 of the General Laws, as amended by section 43 of Chapter 188 of the Acts of 2010, by allowing the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given tax year, rather than \$1,000, or take any other action relative thereto.
Referred to Finance Committee for study and report.

ARTICLE SIX: *By the Town Administrator at the request of the Director of Finance.* To see whether the town will vote pursuant to section 68 of Chapter 188 of the Acts of 2010 to establish a municipal tax amnesty program, or take any other action relative thereto.
Referred to Finance Committee for study and report.

ARTICLE SEVEN: *By Selectmen Sarah E. MacDonald and Paul A. Reynolds at the request of the Ad-Hoc Adult Use Overlay District Committee.* To see if the Town will vote to amend the Zoning By-Law of the Town of Dedham to change the location of the Adult Use Overlay District by deleting the existing Section 6.1.2.2 and replacing it with the following:

2. The AUOD shall include assessor's map and block numbers 149-3B, 150-5, 150-7A, 150-7B, 162-1, 162-3, 162-44 and 162-45 in the Research, Development & Office Zoning District, as depicted on the plan prepared by the Town of Dedham Department of Infrastructure Engineering titled "Enterprise Drive Adult Use Overlay District" which is incorporated herein by reference and which is on file with the Town Clerk, or to take any other action relative thereto.

Referred to Planning Board and Finance Committee for study and report.

ARTICLE EIGHT: *By Precinct Seven Town Meeting Member Attorney Peter A. Zahka, II.* To see if the Town will vote to amend the Dedham Zoning By-Laws as follows:

1. In Table 1 (Principal Use Regulations) change "No" to "SP" in the HB column at Use Category A.5. (Subsidiary Apartments)
2. In Section 7.4.1 add "Highway Business" after "Planned Commercial" and add "HB" after "PC"
3. In Section 7.4.2.6 add "Highway Business" after "Planned Commercial"
4. Add the following new Section 7.4.2.7; Subsidiary apartments in the Highway Business (HB) District shall only be allowed upon issuance of a

special permit by the Board of Appeals. Projects in the HB District with a minimum of 12 subsidiary apartments shall have a maximum lot coverage of 80% and a maximum floor area ratio of 1.0

or take any other action relative thereto.

Referred to Planning Board and Finance Committee for study and report.

ARTICLE NINE: *By the Design Review Advisory Board.* To see if the Town will vote to amend the Dedham Sign Code as follows:

1. Section 5. Administration
8. Delete the text in the third line "as specified in Section 7.a.7"
2. Table 1, Permitted Signs
Footnote #4
Add the following text at the end of the footnote:

"Banners may be approved for a limited time period by the Building Commissioner without Design Review Advisory Board review."

or take any other action relative thereto.

Referred to By-Law Review Committee and Finance Committee for study and report

ARTICLE TEN: *By the Town Administrator at the request of Police Chief Michael d'Entremont.* To see if the Town will vote to amend section 32 of the Police Regulations under Chapter 13 of the Town of Dedham General By-Laws as follows:

Delete existing section 32 in its entirety and replace with the following:

Door-to-Door Solicitation and Canvassing

32.1 Purpose

This article, adopted pursuant to G.L. c. 43B, § 13 and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, establishes registration requirements and specific operation requirements for persons intending to engage in door-to-door canvassing or solicitation in the Town of Dedham in order to protect its citizens from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud or other crimes; and, to allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages.

32.2 Definitions

For the purpose of this By-law, the following definitions shall apply:

32.2.1 “Soliciting” shall mean and include any one or more of the following door-to-door activities:

- (a) selling, or seeking to obtain orders for the purchase of goods or services, including advertising in any type of publication, for any kind of consideration whatsoever;
- (b) selling, or seeking to obtain prospective customers for application for purchase of insurance of any kind;
- (c) selling, or seeking to sell subscriptions to books, magazines, periodicals, newspapers or any other type of publication;
- (d) seeking to obtain gifts or contributions of money, or any valuable thing for the support or benefit of any association, organization, corporation or project wholly or in part for commercial purposes or by a professional solicitor or commercial co-venturer for a charitable or other non-commercial organization;
- (e) seeking to obtain information on the background, occupation, economic status, political affiliation, attitudes, viewpoints, or the like of the occupants of a residence for the purpose of selling or using such data, wholly, or in part, for commercial purposes.

32.2. “Canvassing” shall mean and include any one or more of the following door-to-door activities:

- (a) person-to-person distribution of literature, periodicals, or other printed materials for commercial purposes, but shall not include placing or dropping off printed materials on the premises;
- (b) seeking to enlist membership in any organization for commercial purposes;
- (c) seeking to present, in person, organizational information for commercial purposes.

32.2.3 “Residence” shall mean and include every individual dwelling unit occupied for residential purposes by one or more persons.

32.2.4 “Registered solicitor” shall mean any person who has obtained a valid certificate of registration from the Town as required by this By-law.

32.2.5 “Charitable organization,” “Professional solicitor” and “commercial co-venturer” shall be defined as set forth in G.L. c. 68, § 18.

32.3 Registration

Every person or organization intending to engage in soliciting or canvassing door-to-door in the Town of Dedham must apply for a permit with the Chief of Police at least fourteen (14) business days in advance by filing a registration application form with the Chief of Police.

32.3.1 Organization application forms shall include the following information:

(a) The name and address of the organization applying for registration, and the names and addresses of the organizations' principal officers. If the organization is a charitable organization, a copy of the Annual Registration Statement filed with the Attorney General's Division of Public Charities must be provided with this application. Failure to include a copy of the Annual Registration Statement under such circumstances will render the application incomplete and no action will be taken thereon.

If the organization is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon.

(b) The name, title and phone number, IRS or Social Security (optional) number and photo identification of the persons filing the application form.

(c) The names and addresses of the person(s), if any, who will be directly supervising the solicitation or canvassing operation in the Town of Dedham.

(d) A list of the names, addresses, dates of birth of all individuals who will be employed in solicitation or canvassing by the applicant.

(e) Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a 90 day period).

(f) Names of the last three communities (if any) in which the organization has conducted a solicitation or canvassing operation, complete with the date issued and date expired.

(g) Insurance information and license, if applicable.

32.3.2 Individual registration forms shall be required for all individuals, including those who are affiliated with an organization registered under Section 32.3.1 hereof. Individual registration forms shall contain the following information:

(a) Name and address of the present place of residence and length of residence at that address; if less than three years residence at present address, the address of residence(s) during the past three years.

(b) Date of birth.

(c) Name, address and telephone number of the person or organization whom the applicant represents and the length of time the applicant has been associated with or employed by that person or organization. If the individual is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract, if any, with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon.

(d) Name and address of employer during the past three years if other than listed in Section 32.3.1 hereof.

(e) Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a 90 day period).

(f) Name of the last three communities (if any) in which the applicant has solicited or canvassed door-to-door, complete with the date of issue and expiration date.

(g) Social Security number. (Optional).

(h) Photo identification and recent passport-sized photograph of the applicant to be affixed to registration card.

- (i) Make, model and registration number of any vehicle to be used by the applicant while soliciting or canvassing.

32.4 Registration Fee

Each applicant for registration or re-registration shall pay to the Town an application fee of \$25.00 and a fee of \$5.00 for the cost of a registration card.

32.5 Registration Cards

32.5.1 The Police Chief, after a review, but in no event more than fourteen (14) business days after receipt of a fully-completed application, shall furnish each person with a registration card which shall contain the following information:

- (a) The name of the person.
- (b) A recent photograph of the person.
- (c) The name of the organization (if any) which the person represents.
- (d) A statement that the individual has been registered with the Town of Dedham Police Department but that registration is not an endorsement of any individual or organization.
- (e) Specific dates or period of time covered by the registration.

32.5.2 Persons engaged in solicitation or canvassing as defined in this by-law must carry the registration card at all times and present the card to any person solicited or upon the request of any police officer.

32.5.3 Registration cards are valid only for the specific dates or time period specified thereon and in no case for longer than 90 days.

32.5.4 The Police Chief shall refuse to register an organization or individual whose registration has been revoked for violation of this by-law within the previous two year period, or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, assault, larceny, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Police Chief shall also refuse to register a person who is a sex offender required to register with the Sex Offenders Registry Board and who is finally classified as Level 2 or Level

3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes.

32.6 Exceptions

32.6.1 Registration shall not be required for officers or employees of the Town, County, State or Federal governments when on official business.

32.6.2 Individual registration shall not be required for minors under the age of 18 except in connection with canvassing or soliciting on behalf of a profit organization, newspaper carriers excepted.

32.7 Duties of Persons Going Door-to-Door

32.7.1 Upon going into any residential premises in the Town of Dedham, every solicitor, canvasser or other person must first examine any notice that may be posted prohibiting solicitation or other activities. If such a notice is posted, the solicitor, canvasser or other person shall immediately and peacefully depart from the premises.

32.7.2 Any solicitor, canvasser or other person who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

32.7.3 Immediately upon gaining entrance to any residence, each solicitor or canvasser as defined in this by-law must do the following:

- (a) Present his registration card for inspection by the occupant.
- (b) Request that the occupant read the registration card.
- (c) Inform the occupant in clear language of the nature and purpose of his business and, if he is representing an organization, the name and nature of that organization.
- (d) It shall be the duty of every organization employing solicitors or canvassers within the definition of this by-law to notify the Police Department daily as to what area(s) of the Town they will be operating in.

32.8 Restrictions on Methods of Solicitation, Canvassing, or Other Door-to-Door Activities

It shall be unlawful for a solicitor, canvasser or other person to do any of the following:

- (a) Falsely represent, directly or by implication, that the solicitation, canvassing or other activity is being done on behalf of a governmental organization, or on behalf of any municipal employee or elected official.
- (b) Solicit, canvass or conduct any other activity at any residence where there is a posted sign prohibiting the same, without express prior permission of an occupant
- (c) Solicit, canvass or conduct any other activity at any residence without express prior permission of an occupant, before 9:00 a.m. or after 9:00 p.m. where there is no sign posted otherwise limiting solicitation or the hours of solicitation or such other activities.
- (d) To utilize any form of endorsement from any department head currently employed or serving the Town of Dedham.
- (e) Solicit, canvass or conduct any other activity at any residence in a threatening, abusive, or illegal fashion.

32.9 Penalty

32.9.1 Any person or organization who shall violate any of the provisions of this by-law or any applicable state or federal laws governing soliciting or canvassing, including, but not limited to, Mass. G.L. c. 68, shall be subject to a fine not to exceed \$300.00 for each offense.

32.9.2 Any person or organization who for himself, itself, or through its agents, servants or employees shall violate any provision of sections 32.7 or 32.8 of this by law, or any applicable state or federal laws governing soliciting or canvassing, including but not limited to M.G.L. c. 68, or who knowingly provides false information on the registration application, or who is found, after investigation by a police officer, to have conducted himself or itself in a threatening, abusive or illegal fashion, shall have his, her, or its registration revoked by the Chief of Police by written notice delivered to the holder of the registration in person, or sent to the holder by certified mail at the address set forth in the application.

32.10 Appeals

Any person or organization who is denied registration or whose registration has been revoked may appeal by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within 5 days after receipt of the notice of denial or revocation. The Board of Selectmen shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal, provided, however, that if the Board of Selectmen fails to make a determination within 30

days after the filing of the appeal, the registration shall be deemed granted or reinstated as the case may be.

32.11 Severability

Invalidity of any individual provision of this section shall not affect the validity of the by-law as a whole.

or take any other action relative thereto.

Referred to By Law Review Committee and Finance Committee for study and report.

ARTICLE ELEVEN: *By the Town Administrator at the request of the Treasurer-Collector. To see whether the town will vote to propose the following amendments to the Dedham Home Rule Charter at the next regular election of Town officers for the approval of the voters of the Town:*

Article 5A of the Dedham Home Rule Charter is hereby amended by deleting Section 5A-8 in its entirety and inserting in place thereof the following:

SECTION 5A-8 APPROVAL OF WARRANTS

The Town Administrator shall be the chief fiscal officer of the town. Warrants for the payment of town funds prepared and signed by the director of finance in accordance with the provisions of the General laws shall be submitted to the town administrator. The approval of any such warrant by the town administrator shall be sufficient authority to authorize payment by the treasurer-collector. In the absence of the town administrator, warrants may be approved and signed by the person designated by the town administrator pursuant to Section 4-4(a) or by at least three members of the board of selectmen. In the event of a vacancy in that office, warrants may be approved and signed by the person or persons designated by the board of selectmen pursuant to Section 4-4(b) or by at least three members of the board of selectmen, as set forth in section 4-2(t);

and by adding a new section 4-2(t) to Article 4 of the Dedham Home Rule Charter, as follows:

Article 4, Section 4-2(t) of the Dedham Home Rule Charter is hereby amended by deleting Section 4-2(t) in its entirety and inserting in place thereof the following:

- (t) To issue warrants for the payment of town funds. The town administrator's signature on warrants shall be sufficient authorization for payment of them by the treasurer-collector, provided the bills, drafts, orders and payrolls have been properly submitted and have been examined and approved by the director of

finance. In the absence of the town administrator, warrants may be approved and signed by the person designated by the town administrator pursuant to Section 4-4(a) or by at least three members of the board of selectmen. In the event of a vacancy in the office of the Town Administrator, warrants may be approved and signed by the person or persons designated by the board of selectmen pursuant to Section 4-4(b) or by at least three members of the board of selectmen.

or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE TWELVE: *By the Board of Selectmen.* To see whether the Town will vote to petition the legislature in General Court to repeal Chapter 238 of the Acts of 2002, in order that the Board of Selectmen may adopt instead section 18B of Chapter 53 of the General Laws, as added by section 37 of Chapter 188 of the Acts of 2010, which provides a similar procedure for the distribution of information relating to each question that shall appear on the town ballot, or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE THIRTEEN: *By the Board of Selectmen.* To see if the Town will vote to accept M.G.L. c. 138, §33B, as previously amended, to authorize the Board of Selectmen, as local licensing authority, to authorize holders of on premises pouring licenses under M.G.L. c. 138, §12 to sell alcoholic beverages between the hours of 10:00 a.m. and noon on Sundays, or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE FOURTEEN: *By Precinct Seven Town Meeting Member Attorney Peter A. Zahka, II.* To see if the Town will transfer the care, custody, maintenance, and control of the land or interests in the land shown as a "10FT. RT. OF WAY" on a "Plan of Land in Dedham, Mass.", dated February 21, 1947, by E. Worthington, Engineer, filed with the Norfolk Registry of Deeds as Plan No. 660 of 1947, Book 2695, Page 382, owned by the Town, and currently under the care, custody, maintenance, and/or control of the School Committee, or such other board as may have custody of said land or interests in said land, to the Board of Selectmen for the sole and exclusive purpose of conveying and granting an easement in, under, and over said land to the owner of the real estate comprising 48 Lincoln Street, Dedham, MA for access to said real estate, and to further authorize the Board of Selectmen to convey and grant said easement, with the intention that the care, custody, maintenance and control of said land or interests in said land will otherwise remain under the School Committee, or take any other action relative thereto.

Referred to Finance Committee for study and report.

ARTICLE FIFTEEN: *By the Dedham Retirement Board.* To see if the Town will vote to approve acceptance by the Dedham Retirement Board of a supplemental annual allowance fixed at the rate of \$9,000 to widows of disabled public employees, pursuant to Massachusetts General Laws Chapter 32, Section 10, as amended, or take any other action relative thereto.
Referred to Finance Committee for study and report.

Hereof fail not but make return of this Warrant with our doings thereon unto the Town Clerk on or before said day and time.

Given under our hands and seal of the Town of Dedham this 16th day of September, 2010.

BOARD OF SELECTMEN

Sarah E. MacDonald, Chairman

James A. MacDonald, Vice-Chairman

Carmen E. Dello Iacono

Michael L. Butler

Paul A. Reynolds

A true copy, attest:

Anthony F. Zollo, Jr.

By virtue of this Warrant, I have notified and warned the inhabitants of the Town of Dedham aforesaid to meet at the time and place and for the purposes specified in said Warrant by posting true and attested copies thereof in one or more public places not less than fourteen days at least before the date of the said meeting, and by causing a true and attested copy thereof to be published once, not less than fourteen days before the said meeting in the Dedham Times, a newspaper having a general circulation in said Town of Dedham.

Anthony F. Zollo, Jr.

Constable, Town of Dedham

Dated at Dedham, Massachusetts, the 16th day of September, AD 2010.